

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMUEL B. RANDOLPH, IV,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	No. 19-2231
JOHN WETZEL, <u>et al.</u> ,	:	
	:	
Defendants.	:	

STATUS UPDATE

Pursuant to this Court's Order, dated January 21, 2020, undersigned counsel files this status update regarding Plaintiff Samuel B. Randolph's consolidated case.

The following Defendants were named in either or both cases:

	Defendant	Served?
	Graterford/Phoenix Defendants	
1.	Michael Wenerowicz, (Former) Supt.	Yes
2.	Jay Lane, (Former) Acting Supt.	Yes
3.	Deputy Supt. Laurel Harry	Yes
4.	Major Francis Field	Yes
5.	Major James Baker	No
6.	Major Michael Dugal	Yes
7.	Unit Manager William Mitchell	No
8.	Unit Manager Joseph Terra	Yes
9.	Unit Manager Thomas Bolton	Yes
10.	Security Captain [] Terra	No
11.	Cpt. Stephen Campbell	No
12.	Cpt. Jerome Strickland	No
13.	Cpt. James Spagnoletti	Yes
14.	Lt. John Everding	Yes
15.	Lt. Shannon Bennett	Yes
16.	Lt. Brian Taylor	Yes
17.	Lt. [] Robinson	No
18.	Lt. [] Crane	No
19.	Lt. William Radle	Yes
20.	Lt. [] Dusal	No
21.	Lt. [] Phillips	No
22.	Lt. [] Quintana	No

23.	Lt. [] Verosky	No
24.	Lt. J. Brown	No
25.	Lt. Jeffrey Bender	Yes
26.	Lt. Thomas Armstrong	Yes
27.	Lt. Joseph Aquino	Yes
28.	Lt. [] Fetter	No
29.	Wendy Shaylor, Grievance Coordinator	Yes
30.	Kerry Kerschner, Grievance Coordinator	No
31.	Cynthia Link, (Former) Acting Supt.	No
32.	Sgt. [] Rivera	No
33.	Sgt. Aaron Battle	Yes
34.	Sgt. [] Klimas	No
35.	Sgt. [] Moyer	No
36.	Sgt. [] Fondi	No
37.	CO Francis Webster	Yes
38.	CO Jeffrey Warren	Yes
39.	CO Andre Hall	Yes
40.	CO Jonina Respes	Yes
41.	CO George Heiserman	Yes
42.	CO B. Williams	No
43.	CO J. Hall	No
44.	CO Pierre Kernizan	Yes
45.	CO [] Lucky	No
46.	CO Robert Walker	Yes
47.	CO Brenton Boyd	Yes
48.	CO [] Laubmeier	No
49.	CO [] Mosley	No
50.	CO [] Cuthbert	No
51.	G. Olinger, Program Service Manager	No
52.	Mary Canino, Hearing Examiner	Yes
53.	Joseph Korszniak, CHCA (Former)	Yes
54.	Barbara March, Nurse	Yes
55.	Dennis Hall, Nurse	Yes
56.	Susan Sennot, Nurse	Yes
57.	Ann Lewis, Nurse	No
58.	Nurse Paul	No
59.	Nurse Joey	No
60.	Mr. Fix	No
61.	Gerald Kelly, Counselor	No
62.	Shannon Bean, Business Office Supervisor	Yes
63.	Lt. [] Kline	No
64.	CO M. Major	No
65.	Tammy Ferguson, former SCI-Phoenix Superintendent	Yes

66.	CO Raymond McKevitt	Yes
67.	CO Kevin Ridgley	Yes
68.	Todd Faubert	No
69.	Jeanne Welsh, Corrections Healthcare Administrator	No
70.	Jamie Sorber, SCI Phoenix Superintendent	No
71.	CO [] Ellerbee	No
72.	Etta Williams	No
73.	CO Fernandez	No
74.	CO Davis	No
75.	CO Smothers	No
76.	CO Ms. Johnson	No
77.	CO Belador	No
78.	CO Policki	No
79.	Ms. Savage	No
80.	Kristina Owens, SCI-Phoenix Superintendent's Assistant	No
	SCI-Greene Defendants	
81.	[] Gilmore, SCI-Green Supt.	No
82.	[] Zaken, Deputy Supt.	No
83.	[] Dilasandro, Depty Supt.	No
84.	Tracy Shawley, Grievance Coordinator	No
85.	Major [] Leggette	No
86.	Major [] Kairo	No
87.	Cpt. [] Shrader	No
88.	Unit Manager [] Gumbarvic	No
89.	Unit Manager [] Longstretch	No
90.	Lt. [] Santoyo	No
91.	Lt. [] Morris	No
92.	Sgt. [] Grimm	No
93.	Sgt. [] Desrosier	No
94.	Sgt. [] Jenkins	No
95.	Sgt. [] Yates	No
96.	Sgt. [] Davis	No
97.	Sgt. [] Dorsey	No
98.	[] Felice, Counselor	No
99.	CO [] Feather, Sr.	No
100.	CO [] Liptak	No
101.	CO [] Wilcher	No
102.	CO [] McGee	No
103.	CO [] Moore	No
104.	[] McAnany, Nurse	No
105.	[] Vihladal, CHCA	No
106.	[] Pokol, Nurse	No

107.	Ms. <input type="checkbox"/> Bridgette, Nurse	No
108.	Ms. <input type="checkbox"/> Tammy, Nurse	No
109.	<input type="checkbox"/> Riggenbaugh, Nurse	No
110.	<input type="checkbox"/> Grego, Nurse	No
111.	<input type="checkbox"/> Felton, Nurse	No
112.	Ms. <input type="checkbox"/> Ashley, Nurse	No
113.	Lt. <input type="checkbox"/> Harvilla	No
114.	Lt. <input type="checkbox"/> Medvec	No
115.	<input type="checkbox"/> Funk, Food Service Supervisor	No
116.	CO <input type="checkbox"/> Shellenburg	No
117.	CO J. Smith, Commissary Officer	No
	DOC Central Staff	
118.	John Wetzel, Secretary	Yes
119.	Chase DeFelice, Deputy Chief Counsel	No
120.	Robert B. MacIntyre, Chief Hearing Examiner	Yes
121.	Dorina Varner, Chief Grievance Coordinator	Yes
122.	Robin M. Lewis, Chief Hearing Examiner	No
123.	Dr. Herbick, DOC Western Regional Medical Director	No
124.	Keri Moore	No
	Non-Commonwealth Defendants/Unknown	
125.	Dr. Weiner, SCI-Graterford Medical Director	No
126.	Timothy Gardzalla	Yes
127.	Dr. Martinez, Psychiatrist Graterford	No
128.	Mr. Fix, Psychology Dept Supervisor Graterford	No
129.	<input type="checkbox"/> Mauriello, Psychologist Graterford	No
130.	Ms. <input type="checkbox"/> Allen, Psychologist Graterford	No
131.	Ms. <input type="checkbox"/> Almond, Psychologist Graterford	No
132.	Dr. Jin, SCI-Greene Medical Director	No
133.	<input type="checkbox"/> Mwaura, SCI-Greene Physician's Assistant	No
134.	<input type="checkbox"/> Beabout, SCI-Greene Physician's Assistant	No
135.	Ms. <input type="checkbox"/> Pilal, SCI-Greene Psychiatrist	No
136.	Mr. <input type="checkbox"/> Voytko, SCI-Green Psychologist	No
137.	Dr. Hanicek, SCI-Phoenix Doctor	No
138.	Dr. Sarah, SCI-Phoenix Doctor	No
139.	Walsh, SCI-Phoenix Physician Assistant	No

Plaintiff brings the following claims against Defendants. Undersigned made every effort to identify the claims and the defendants for each claim.

- I. ADA failure to accommodate - food trays placed at food slot of door, out of reach (182-186)
 - a. All defendants
- II. ADA failure to accommodate – no gurney for anything except attorney visits, court proceedings, and medical trips (no exercise yard, shower, law library, etc.) -- (¶ 179, 187-188)
 - a. All defendants
- III. 8th Amendment Cruel & Unusual punishment/conditions of confinement – keeping in RHU in solitary confinement 24/7 with no access to outdoor yard time, no showers; denial of visits from family;
 - a. All defendants
- IV. 1st Amendment Retaliation for filing grievances and lawsuits
 - a. Defendants:
 1. Walker
 2. Hall
 3. Bennett
 4. Terra
 5. Brown
 6. Taylor
 7. Battle
 8. Wenerowicz
 9. Baker
 10. Lane
 11. Field
 12. Varner
 13. Dugal
 14. Mitchell
 15. Olinger
 16. Shaylor
 17. Hardy
 18. Korszniak
 19. Canino
 20. Gardzalla
 21. Webster
 22. Warren
 23. Everding
 24. Bolton

25. Robinson
26. Crane
27. Verosky
28. Quintana
29. Phillips
30. Dusal
31. Radle
32. Bender
33. Campbell
34. MacIntre
35. Spagnoletti
36. Heiserman
37. Lucky
38. B. Williams
39. Klimas
40. Kelly
41. Kernizan
42. Rivera
43. Boyd
44. Laubmeir
45. Strickland
46. Mosley
47. Cuthbert

V. 8th Amendment Excessive Force

a. Defendants

1. Nurse Mark
2. Nurse Roth
3. Brumfield
4. Nurse Susan
5. Nurse Dennis
6. Boyd
7. Karnizan
8. Lucky
9. Lt. Robinson
10. B. Williams
11. J. Hall
12. Lt. Phillips
13. Lt. Morris
14. Sgt. Walters
15. CO Feather

16. CO McGee

VI. Denial Access to Courts

a. Defendants

1. Boyd
2. Heiserman
3. Webster
4. Fox
5. A. Hall
6. Federico
7. Kelly
8. Bennett
9. Roth
10. J. Brown
11. Taylor
12. Ludwig
13. Bolton
14. Mitchell
15. Lane
16. Baker
17. Wenerowicz
18. Dusal
19. J. Terra
20. Link
21. Kline
22. Cambell
23. Field
24. Cpt. Terra
25. Robinson
26. Crane
27. Verosky
28. Spagnoletti
29. Battle
30. Klimas
31. Rivera
32. Strickland

VII. 8th Amendment Deliberate Indifference, Denial of Medical Treatment (Not getting Plaintiff surgery to fix his spine)

a. Defendants

1. Korzniak
2. Gilmore

3. Dilasandro
4. Zaken
5. Leggette
6. Kairo
7. Shawley
8. Sharder
9. Gumbarvic
10. Longstreth
11. Santoyo
12. Morris
13. Grimm
14. Desrosier
15. Jenkins
16. Yates
17. Davis
18. Dorsey
19. Felice
20. Feather
21. Liptak
22. Wilcher
23. McGee
24. Moore
25. Mcanany
26. Vihlidal
27. Jin
28. Pokol
29. Nurse Bridgette
30. Nurse Tammy
31. Nurse Rikkenbaugh
32. Nurse Grego
33. Dr. Herbick
34. Ms. Mwaura
35. Nurse Felton
36. Dr. Pilal
37. Mr. Voytko
38. Nurse Ashley
39. Lt. Harvilla
40. Lt. Medvec
41. Shallenburg
42. T. Ferguson

43. Savage
44. Dr. Wiener
45. M. Sipple
46. J. Terra
47. J. Sorber
48. J. Welsh
49. K. Moore
50. K. Owens

VIII. 8th Amendment Deliberate Indifference, Denial of Access to Mental Health Treatment

a. Defendants

1. Wenerowicz
2. Lane
3. Field
4. Varner
5. Baker
6. Dugal
7. Mitchell
8. Olinger
9. Shaylor
10. Hardy
11. Korzniak
12. A. Hall
13. Gardzalla
14. Webster
15. Warren
16. Everding
17. Bennett
18. Taylor
19. Terra
20. Bolton
21. Robinson
22. Crane
23. Brown
24. Verosky
25. Quintana
26. Phillips
27. Dusal
28. Radle
29. Bender
30. J. Terra

31. Campbell
32. Spagnoletti
33. Respes
34. Heiserman
35. Walker
36. Lucky
37. B. Williams
38. Battle
39. Klimas
40. Rivera
41. Aquino
42. Kernizan
43. J. Hall
44. Nurse Lewis
45. Nurse Hill
46. Nurse Sennot
47. Nurse March
48. Boyd
49. Kelly
50. Fix
51. Allen
52. Mauriello
53. Dr. Martinez
54. Almond
55. Laubmeier
56. Strickland
57. Link
58. Dr. Weiner
59. Kerschner
60. Mosley
61. Cuthbert
62. Kline
63. Major

IX. Fourth Amendment – Invasion of Privacy for a strip search

1. T. Ferguson
2. J. Terra
3. M. Sipple
4. J. Sorber
5. Ellerbee
6. E. Williams

7. Fetter
 8. Nurse Dennis
 9. Nurse Paul
 10. K. Ridgley
 11. Policki
 12. Belador
 13. Armstrong
 14. Smothers
 15. CO Ms. Johnson
 16. Moyer
 17. Davis
 18. Fondi
- X. 8th Amendment Excessive Force – Attempting to place Plaintiff into a restraint chair
1. T. Ferguson
 2. J. Terra
 3. K. Ridgley
 4. M. Sipple
 5. J. Sorber
 6. E. Williams
 7. Nurse Dennis
 8. Nurse Paul
- XI. 8th Amendment Deliberate Indifference – Placing Plaintiff into a Psychiatric Observation Cell
1. T. Ferguson
 2. J. Wetzel
 3. T. Faubert
 4. J. Welsh
 5. M. Sipple
 6. J. Sorber
 7. E. Williams
 8. C. DeFelice
 9. K. Moore
 10. K. Owens
 11. Wright
 12. Dr. Wiener
 13. Dr. Sarah
 14. P.A. Walsh
- XII. Fourteenth Amendment Equal Protection Claim – Plaintiff discriminated against because of his alleged disability
1. T. Ferguson

2. P. Kernizan
3. J. Terra
4. R. McKevitt
5. K. Ridgley
6. J. Wetzel
7. T. Faubert
8. J. Welsh
9. M. Sipple
10. J. Sorber
11. Ellerbee
12. E. Williams
13. Lt. Fetter
14. Fernandez
15. Rivera
16. Davis
17. Nurse Dennis
18. Nurse Paul
19. Sgt. Moyer
20. Smothers
21. CO Ms. Johnson
22. CO Belador
23. CO Policki
24. C. DeFelice
25. Fondi
26. Savage
27. Armstrong
28. Moore
29. Owens
30. Nurse Joey
31. CO Wright
32. Dr. Wiener
33. Dr. Hanicek
34. Dr. Sarah
35. P.A. Walsh

XIII. Fourteenth Amendment Due Process – Plaintiff was not allowed witnesses at misconduct hearing

1. J. Wetzel
2. T. Ferguson
3. J. Terra
4. M. Sipple

5. T. Faubert
6. K. Owens
7. J. Sorber

XIV. Assault and Battery

1. T. Ferguson
2. P. Kernizan
3. J. Terra
4. R. McKevitt
5. K. Ridgley
6. J. Wetzel
7. T. Faubert
8. J. Welsh
9. M. Sipple
10. J. Sorber
11. Ellerbee
12. E. Williams
13. Lt. Fetter
14. Fernandez
15. Rivera
16. Davis
17. Nurse Dennis
18. Nurse Paul
19. Sgt. Moyer
20. Smothers
21. CO Ms. Johnson
22. CO Belador
23. CO Policki
24. C. DeFelice
25. Fondi
26. Savage
27. Armstrong
28. Moore
29. Owens
30. Nurse Joey
31. CO Wright
32. Dr. Wiener
33. Dr. Hanicek
34. Dr. Sarah
35. P.A. Walsh

- XV. Claim Regarding Court Ordered Force Feeding – It appears that Plaintiff is merely trying to appeal an order from the Court of Common Pleas of Montgomery County to this Court.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

Date: March 23, 2020

By: /s/ Jeffrey Mozdziock

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v.	:	
	:	No. 19-2231
JOHN WETZEL, <u>et al.</u> ,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Jeffrey Mozdziock, hereby certify that, on March 23, 2020, Defendants' Status Update of time was filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. I also hereby certify that a true and correct copy of the above-mentioned motion was emailed to SCI-Phoenix Superintendent's Assistant Kristina Owens in order to be hand delivered to Plaintiff.¹

By: /s/ Jeffrey Mozdziock

JEFFREY MOZDZIOCK

¹ All Office of Attorney General Offices are closed. Undersigned counsel does not have the ability to print and mail this motion to Plaintiff. The DOC has made designated personnel available to print documents and deliver them to inmates.